### 1 UNITED STATES DISTRICT COURT 2 WESTERN DISTRICT OF PENNSYLVANIA 3 MEKIYA HODGES, 4 Plaintiff Case No.: 5 **COMPLAINT AND DEMAND FOR** v. 6 **JURY TRIAL** DIVERSIFIED CONSULTANTS, INC., 7 (Unlawful Debt Collection Practices) 8 Defendant 9 10 **COMPLAINT** 11 MEKIYA HODGES ("Plaintiff"), by and through her attorneys, KIMMEL & 12 SILVERMAN, P.C., alleges the following against DIVERSIFIED CONSULTANTS, INC. 13 ("Defendant"): 14 15 **INTRODUCTION** 16 17 1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 18 U.S.C. § 1692 et seq. ("FDCPA"). 19 20 JURISDICTION AND VENUE 21 2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states 22 that such actions may be brought and heard before "any appropriate United States district court 23 without regard to the amount in controversy," and 28 U.S.C. § 1331 grants this court original 24 jurisdiction of all civil actions arising under the laws of the United States. 25 - 1 -

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- 3. Defendant conducts business in the State of Pennsylvania and therefore, personal jurisdiction is established.
  - 4. Venue is proper pursuant to 28 U.S.C. §1391(b)(2).

#### **PARTIES**

- 5. Plaintiff is a natural person residing in Hodges, Pennsylvania.
- 6. Defendant is a national debt collection company with corporate headquarters located at 10550 Deerwood Park Blvd #309, Jacksonville, FL 32256.
- 7. Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.
- 8. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

#### **FACTUAL ALLEGATIONS**

- 9. The alleged debt at issue arose out of transactions, which were primarily for personal, family, or household purposes.
- 10. Beginning in February 2017 and continuing through May 2017, Defendant placed repeated harassing telephone calls to Plaintiff's cellular and work telephone numbers seeking to collet an alleged debt.
- 11. Plaintiff repeatedly told Defendant to stop calling, particularly her work telephone number.
  - 12. However, Defendant ignored her requests and continued to call.
  - 13. Once Defendant knew its calls were unwanted any further calls could only have

been placed for the purpose of harassing Plaintiff.

- 14. Defendant also called at inconvenient times, such as after 9 pm.
- 15. Defendant's actions as described herein were made with the intent to harass, upset and coerce payment from Plaintiff.

# COUNT I DEFENDANT VIOLATED §§ 1692d and 1692d(5) OF THE FDCPA

- 16. A debt collector violates § 1692d by engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
- 17. A debt collector violates § 1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
- 18. Defendant violated §§1692d and 1692d(5) when it placed repeated harassing telephone calls to Plaintiff, and continued to call knowing its calls were unwanted.

### COUNT II <u>DEFENDANT VIOLATED § 1692c(a)(1) OF THE FDCPA</u>

- 19. A debt collector violates § 1692c(a)(1) if without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction, it contacts a consumer at an unusual time or place or a time or place known or which should be known to be inconvenient to the consumer.
- 20. Defendant violated § 1692c(a)(1) when it contacted Plaintiff at inconvenient times, such as when she was at work and after 9pm.

## COUNT III <u>DEFENDANT VIOLATED § 1692c(a)(3) OF THE FDCPA</u>

- 21. A debt collector violates § 1692c(a)(3) if without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction, it contacts a consumer at the consumer's place of employment if the debt collector knows or has reason to know that the consumer's employer prohibits the consumer from receiving such communication.
- 22. Defendant violated § 1692c(a)(3) when it contacted Plaintiff at her place of employment knowing that such calls were not permitted.

WHEREFORE, Plaintiff, MEKIYA HODGES, respectfully pray for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to
   15 U.S.C. § 1692k(a)(2)(A);
- c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- d. Any other relief deemed appropriate by this Honorable Court.

### **DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, MEKIYA HODGES, demands a jury trial in this case.

1		RESPECTFULLY SUBMITTED,
2	DATED: August 4, 2017	KIMMEL & SILVERMAN, P.C.
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